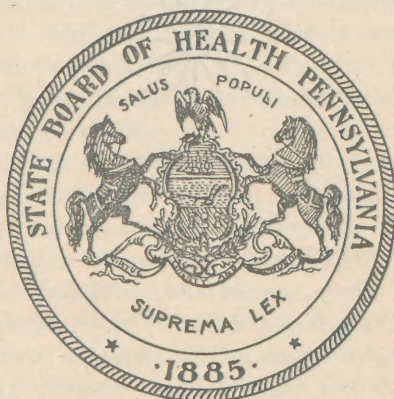


(CIRCULAR NO. 45, REVISED.)

COMMONWEALTH OF PENNSYLVANIA.

# State Board of Health.



Powers and Possibilities of  
Boards of Health.



## POWERS AND POSSIBILITIES OF LOCAL BOARDS OF HEALTH.\*

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There is no subject which should receive greater consideration from statesmen than the public health, and no subject in which every citizen is more interested. The pursuit of happiness would be rendered abortive if public health should be entirely neglected, or even considered of secondary importance. In the individual, it is a moral wrong to disregard the laws of health or to act or think in such a manner as to impair the vital forces, and yet there has been no time since the creation of man when it has not been necessary to compel mankind, by law, to observe the rules of health.

In the very nature of things, it is an inherent right in every community to protect itself against a foreign or internal enemy, and preserve itself against dissolution. This right must be exercised through some form of law. When communities are formed the individual surrenders some of his natural rights in consideration of the rights and privileges which he gains by being a member of the community—among other things, he tacitly promises and pledges that he will not conduct himself or use that which belongs to him so as to injuriously affect, either directly or indirectly, the health or lives of others, or do that which may have a tendency to become prejudicial to the public health or the health of the community of which he has become a party. It therefore follows, as a

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\* NOTE.—This circular was presented as a paper before the State Sanitary Convention held at Harrisburg, January 26 and 27, 1894, and was considered so clear an exposition of the subject that a resolution was passed, requesting the State Board of Health to publish it as a circular for the guidance of local boards.



matter of course, that the power to preserve public health is supreme, and the only question or questions we need consider are: Where has this power been vested in accordance with law, and how is it to be exercised in this Commonwealth?

In the State of Pennsylvania, by several statutes, there have been created a State Board of Health, a board of health for the city of Philadelphia, boards of health for cities of the second and third classes, and boards of health for boroughs. These several boards of health have power to declare the existence of a nuisance having a tendency to be prejudicial to public health, and having so declared, the courts will not inquire into the matter whether the said conditions so declared be a nuisance or not, and the said boards, after due notice to the owner, agent, or tenant to abate said nuisance, upon failure of said owner, agent or tenant to abate the nuisance, through their executive officers, shall have power to abate the nuisance, remove the cause, and, save in the case of the State Board, to charge the properties with the expense.

Creating and maintaining a nuisance is a misdemeanor and indictable. Every board of health in the State of Pennsylvania can proceed against any person or persons, by indictment, for creating or maintaining a nuisance prejudicial to public health.

Boards of health have power to declare what diseases are contagious, infectious, or communicable, and to have the same placed upon the list or registered. Physicians, upon failure to report such cases to the health or executive officer, are liable to a fine. One of the most sacred rights of an American citizen is to possess his house or houses free from intrusion; yet, a board of health may, and in most instances does, have power to enter and search all houses, stores, cellars, and other inclosures, where they may have a just cause to suspect any nuisance to exist. The board of health of the city of Philadelphia "shall have full power and authority to remove the cause of all nuisances that exist or may hereafter exist." This power, coupled with the statutory declaration that in a proceeding on a *scire facias* to recover the expense for the removal of a nuisance, the fact of the nuisance shall not be inquired into, seems to

give the board of health almost unlimited power and authority. The right of search, the right to remove the cause of nuisance, the right to recover for the expense of removal, and the fact of the owner of the property upon which the nuisance or cause of nuisance shall exist, being barred from giving evidence to show that no nuisance in law existed, is a very plenary and absolute power, and would seem to violate the rights of property, and yet such power lodged in a board of health is necessary in order to preserve life and public health.

The city councils of all cities of the third class have power, and the councils of all boroughs are required to create boards of health, and such boards have power to abate and remove all and every nuisance in such cities or boroughs and assess the costs and expenses of the same upon the premises or property, which when duly certified, become a lien as in the case of other municipal claims. They shall have power to regulate the construction and arrangement of water-closets and privy-vaults, also the emptying and cleaning such vaults, and to register marriages, births and deaths. They also have power to send all persons discovered with infectious or contagious diseases to pest house or hospital, and the right to make and pass all such orders and regulations as they shall from time to time deem necessary and proper for the public health and for the prevention of diseases. These said orders and regulations, when by the mayor or the council, shall have all the force and effect of ordinances of such city or borough. Whoever shall violate any provision of this act, or any order of the said board of health, or shall obstruct or interfere with any person in the execution of any order of said board, or shall wilfully or illegally omit to obey such orders, on conviction, shall be subject to a fine not to exceed the largest fine for the violation of any ordinance of the city or borough. When an ordinance or regulation is expressly authorized by legislative act, the local legislation has in all respects the character and effect of a statute within the local jurisdiction.

There is ample power vested in every local board of health, and a most imperative duty assigned, to guard against the in-



troduction and spread of contagious, infectious and communicable diseases. This power can be exercised in removing patients infected with contagious diseases to hospitals, pest houses, or places of perfect isolation, or where such conditions cannot obtain, then by quarantining such patients, and all others who have been exposed to the disease in their own houses. This extends to prohibiting and preventing all intercourse and communication with, or use of, infected premises, places and things. Clothing, bedding, furniture and all other infected articles may, without consent of owners, where it is necessary to prevent the spread of disease, be disinfected or destroyed. When the public health and human life are concerned, the law requires the highest degree of care, and will not brook weak and hesitating measures, nor stop to experiment as to what is the minimum of care that can be exercised. The law makes no limitation upon the power of boards of health to abate a nuisance prejudicial to public health, or having a tendency to be prejudicial to public health. The only limitations are as to the manner of exercising this power. The limitations do not extend to the judicial, but to the ministerial functions of the boards of health. The power is limited to the abatement of the nuisance and removal of the cause, but will not extend to the improvement of property either as to utility or aesthetics.

Just in proportion to the great power exercised by boards of health over persons and property, touching personal liberty and rights of property—two subjects about which a free people are the most sensitive—should good judgment and great care, guided by honorable motives, be exercised by the executive and ministerial officers of boards of health. While timidity should never characterize the acts of an executive health officer, neither, on the other hand, should any aggressive spirit amounting to cruelty.

The power of boards of health extends to the exclusion of persons and things from entering the territorial jurisdiction of said board, or from leaving such territory when it becomes necessary to protect public health, and in cities of the third

class, this power extends to a distance of five miles outside of the city limits.

The power of health authorities commences over the person at birth, follows him through life, determines his manner of burial, and the time and conditions under which his body can be disinterred. It governs the physician, the minister, and undertaker, and makes rules and regulations as to when and how the dead shall be transported.

The possibilities of boards of health are almost unlimited. The air, when contaminated, carries disease and death. To prevent this contamination, or disinfect and render it innocuous, is a possibility which health authorities can attain. Science has not yet discovered the means of rendering the atmosphere of a state or city perfectly harmless when charged with deadly infection, or quarantining against this deadly atmosphere; but it is possible to take limited zones and make the atmosphere perfectly healthful, and thus prevent the spread of disease. Science has discovered agencies which can be disseminated to a limited extent through the air and act as germicides. These are known agencies and existing facts. The possibilities, we believe, are still greater, and boards of health should be satisfied with nothing less than ultimate possibilities in arresting disease and saving human life. I may be permitted to suggest some practical modes of keeping the atmosphere of large cities free of disease-germ life. The dust of the streets, the filth of the gutters, and the odors from the sewers are prolific sources of contaminating the air. I would suggest that all contractors for sweeping the streets be compelled, before each sweeping, to have the street well sprinkled with some cheap but effective liquid germicide, and each day to place down every inlet to a sewer a sufficient quantity of the same liquid. The sputa of persons affected with tuberculosis, containing the germ of the disease, become mixed with the dust. The germs of diphtheria, and all other contagious and infectious diseases carried into the streets on clothing and otherwise, become a part of the sweepings, and, when dry, are easily carried into the air and taken into the system, spreading the



disease. The germs of typhoid and other communicable diseases are carried from cess pools, water closets and other places into sewers, and from there through the inlet into the air, and thus do the work of increasing the death-rate. To reduce the death-rate by proper means is a possibility of health boards.

The prevention of the pollution of water, whether from streams, wells, pumps, or other sources of water-supply for drinking, culinary, medicinal, or domestic purposes, is a possibility through the lawful agency of boards of health. A stream of water, used by a city or town for its water supply, can easily become a medium of causing an epidemic of cholera, diphtheria, scarlet fever, typhoid fever, and numerous other contagious diseases. This could be entirely prevented if the health authorities would develop and exercise their possibilities, and use these possibilities, to prevent epidemics and the spread of disease rather than wait for the epidemic and the spread of contagious diseases, and then seek to control it and use means to cure the infected. It is possible for boards of health to prevent the discharge of human excreta, the filth and waste of factories, the offal and waste of slaughter houses and pig pens into streams of water which are used for domestic purposes, directly or by the indirect means through the supply of contaminated milk. The pollution of a stream of water is a common-law offence, punishable by indictment, and boards of health would have the full support of the law in preventing the pollution of any stream of water. It is not necessary to do more than state the fact that all kinds of germs of contagious diseases multiply with great rapidity in water, and are easily taken into the human system.

In cities and towns where no sewers exist, a great possible source of spreading infectious and communicable diseases is found in the privy-wells. Near the house is the water or pump-well, and not far off, in sandy or light loam soil, the privy well. The excreta from patients suffering with typhoid fever or any other contagious disease are emptied into the privy-well, with-



out, save in a very few cases, having been disinfected. The liquid containing the disease-germ in most cases finds its way easily into the water-well, and the result is spread of the disease. It is possible for boards of health to prevent this mode of distributing disease.

A great source of the spread of disease is through milk, meat, and other food supplies, indeed, but especially through milk and meat; and the remedy is within the possibilities of health boards. Boards of health being authorized by law, the authorization carries with it the means of executing its rules and regulations. Inspection is a necessary condition or element connected with the powers of a board of health. This inspection of milk should be made as it comes from the cow. The elements of disease are in much of the milk before it comes from the cow, independently of the pollution it receives from milking and other manipulations. That of meat should be made at the time it is killed, together with an inspection of the slaughter-house, its surroundings, and the person engaged in the slaughter. The Jews, wiser about such matters than we are, gave special attention to the smallest details of this matter.

The strict isolation of persons effected with contagious or communicable disease, by sending them to hospitals or maintaining strict quarantine of their houses, will either stamp out the infection or greatly reduce the danger of the disease spreading. As an example, where I have been somewhat of an active agent, I will cite the experience of Philadelphia during the year 1893.

By sending patients to the Municipal Hospital, or quarantining the houses in which they were ill, the number of cases of diphtheria in 1892, 5,051, was reduced in 1893 to 2,848, and the number of deaths from diphtheria in 1892, 1,435, including membranous croup, was reduced in 1893 to 1,159. Also, the number of cases of scarlet fever in 1892, 6,245, was reduced in 1893, to 2,848, and the number of deaths from scarlet fever in 1892, 485, was reduced in 1893 to 267.

From February, 1893, to January, 1894, there were 42 cases of small pox and varioloid in the city of Philadelphia, and with

these 42 case there were 24 centres of distribution or infection. Every case was either sent to the Municipal Hospital or the house strictly quarantined, and to-day, in the city of Philadelphia, with a population estimated for the year 1893, at 1,115,562, not a single case of small pox or varioloid exists. Strict quarantine, coupled with compulsory vaccination, stamped it out.

The preparation of dead bodies for burial, where death has been caused by contagious or infectious diseases, is of great importance, and boards of health should exercise the greatest care to insist that the body, immediately after death, before being placed in the coffin, shall be enveloped—and remain thus enveloped—in a sheet saturated with a solution of chloride of lime, or a solution of pure carbolic acid, or 1-10 per cent. solution of corrosive sublimate. Burial in all cases where death has resulted from any contagious or infectious disease, should take place within thirty-six hours after death, and all such funerals should be strictly private. Under no circumstances should any person be permitted to view the dead body where death has been caused by infectious or contagious disease. These possibilities can be obtained in every part of the State of Pennsylvania, under the law which enacts that: "In cities boroughs, districts, and places having no local boards of health, or in case the sanitary laws or regulations in places where boards of health or health officers exist, should be inoperative, the State Board of Health shall have power and authority to order nuisances, or the cause of any special disease or mortality to be abated and removed, and to enforce quarantine regulations as said board shall direct."

In order that the full power vested in the State Board of Health may be effectually enforced, the clause in the law limiting the appropriation to \$10,000 should be repealed, and the Legislature should, at each session, make an adequate appropriation to carry out the full purpose of the law.



PRECAUTIONARY AND HYGIENIC CIRCULARS ISSUED BY THE STATE BOARD OF HEALTH OF PENNSYLVANIA.

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- No. 7. Precautions against Cholera, Cholera Infantum, Cholera Morbus, Summer Diarrhoea and Dysentery.
- No. 7. Precautions against Cholera, etc. (German.)
- No. 7. Precautions against Cholera, etc. (Slovak.)
- No. 7. Precautions against Cholera, etc. (Italian.)
- No. 8. Precautions against Small Pox.
- No. 18. Precautions against Typhoid Fever.
- No. 19. Precautions against Diphtheria.
- No. 20. Contagious and Infectious Diseases.
- No. 20. Contagious and Infectious Diseases. (German.)
- No. 20. Contagious and Infectious Diseases. (Slovak.)
- No. 20. Contagious and Infectious Diseases. (Italian.)
- No. 21. Precautions against Scarlet Fever.
- No. 22. Precautions against Trichinosis.
- No. 22. Precautions against Trichinosis. (German.)
- No. 24. Recommendations in regard to the care of Infants.
- No. 25. (Revised). The "Act for the better protection of the health and morals of school children;" with a description of a cheap and convenient earth closet.
- No. 26. School Hygiene, addressed to Teachers.
- No. 27. Camp Hygiene.
- No. 28. Precautions against Consumption.
- No. 29. The dangers arising from public funerals of those who have died from Contagious and Infectious Diseases. Addressed to the Clerical Profession.
- No. 30. The disposal of the Sewage of Public Edifices. Addressed to the Trustees and Managers of Public Institutions.
- No. 31. Precautions to be adopted by Funeral Directors to prevent the spread of Contagious and Infectious Diseases.
- No. 32. Precautions against Sunstroke.

No. 33. School Hygiene, No. 2. Addressed to School Directors and Trustees.

No. 34. First Treatment of the apparently Drowned and Suffocated.

No. 35. The Prevention of Blindness.

No. 36. Sanitary Protective Associations.

No. 37. Emergency Hospitals.

No. 38. The Care of the Eyes.

No. 39. Dairy Hygiene.

No. 40. The Law establishing Boards of Health in Boroughs.

No. 41. Personal Precautions recommended to be taken by Physicians in attending those suffering from certain Communicable Diseases.

No. 42. How to meet Cholera. Addressed to Boards of Health.

No. 43. Model Regulations for the Storage and Removal of Garbage.

No. 44. Model Rules of Boards of Health.

No. 45. Powers and Possibilities of Boards of Health.

No. 46. The Sanitary Code of Pennsylvania for the Restriction of Communicable Diseases.

No. 47. Precautions against Whooping Cough.

No. 48. Precautions against Measles.

No. 49. Suggestions with regard to Railroad Hygiene and the Prevention of Accidents.

No. 50. School Hygiene No. 5. On the Teaching of Hygiene in the Public Schools. Addressed to Superintendents and Principals.

Any of the above circulars may be obtained by residents of Pennsylvania on application to Dr. Benjamin Lee, Secretary of the State Board of Health, 1532 Pine street, Philadelphia, enclosing a two-cent postage stamp. The postage for the entire series, enclosed in a substantial box envelope, is nine cents.

BENJAMIN LEE, M. D.,  
Secretary.